

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80082 of 2025**

Arising Out of PS. Case No.-174 Year-2025 Thana- DEWARIA District- Muzaffarpur

Shantosh Tiwari @ Santosh Tiwari @ Santosh Kumar Tiwari Son of  
Kamaldev Tiwari Resident of Village - Nerhay Saray, P.S - Karja, District -  
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ravi Nandan

For the Opposite Party/s : Mr. Nityanand

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      17-01-2026      1. Heard learned counsel for the petitioner and learned  
A.P.P. for the State.
2. The petitioner apprehends his arrest in a case  
registered for the offence punishable under Section 30(a) of  
Bihar Prohibition and Excise (Amendment) Act, 2018-22.
3. Learned counsel for the petitioner submits that  
petitioner has antecedent of six cases out of which five cases are  
under the Excise Act and allegation is of recovery of 225 litres  
of liquor from a Scorpio vehicle and 2122.785 litres of liquor  
from a room behind the house of Md. Tahir.
4. It is next submitted that petitioner was not arrested  
from the spot as such nothing was recovered from his conscious  
possession and is not the owner of the seized vehicle and even



the alleged recovery of 2122.785 litres of liquor is from a place which does not belong to the petitioner and he came to be implicated based on confessional statement of apprehended accused in police custody which does not have any evidentiary value. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either through chowkidar, local person, confessional statement or secret information without holding a proper investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.30,000/- (Rupees thirty thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Deoriya P.S. Case No.174/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

7. It is made clear that the learned trial court thereafter



shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than six cases, in that event, it would be presumed that petitioner had concealed his antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed but if on verification it is found that petitioner has antecedent of six cases, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

amit/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

